

***[NO MINUTES WERE GENERATED FOR  
WEDNESDAY, SEPTEMBER 16, 2009,  
IN OBSERVANCE OF JUDICIAL BRANCH FURLOUGH.]***

1648

**SUPREME COURT MINUTES  
THURSDAY, SEPTEMBER 17, 2009  
SAN FRANCISCO, CALIFORNIA**

**S043628**

**PEOPLE v. CARRINGTON  
(CELESTE SIMONE)**

Rehearing denied

**S155242**

B182880 Second Appellate District, Div. 8

**CHRISTOFF (RUSSELL) v.  
NESTLÉ USA, INC.**

Rehearing denied

**S174633**

B198550 Second Appellate District, Div. 3

**MOORE (ARDELL) v. S.C.  
(PEOPLE)**

Petition for review granted

Votes: George, C. J., Baxter, Chin, Moreno, and Corrigan, JJ.

**S175337**

C055620 Third Appellate District

**PEOPLE v. JOHNDROW  
(GLENN ARTHUR)**

Petition for review granted; briefing deferred (rule 8.512(d)(2))

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. McKee*, S162923 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S174083**

B202011 Second Appellate District, Div. 2

**PEOPLE v. BRADLEY  
(ALLEN JAMES)**

Petition for review granted; transferred to Court of Appeal, Second Appellate District, Division Two

The petition for review is granted.

The matter is transferred to the Court of Appeal, Second Appellate District, Division Two, with directions to vacate its decision and reconsider the cause in light of *Melendez-Diaz v.*

*Massachusetts* (2009) \_\_\_\_ U.S. \_\_\_\_ 129 S.Ct. 2527, and the forthcoming decision by the United States Supreme Court in *Briscoe, et al. v. Virginia* (07-11191). (Cal. Rules of Court, rule 8.528(d).)

Kennard, J., is of the opinion this court should grant and retain review of this matter.

Votes: George, C. J., Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S175066**      E048845 Fourth Appellate District, Div. 2      **PEOPLE v. S.C.  
(DEMETRULIAS)**

Petition for review granted; transferred to Court of Appeal, Fourth Appellate District, Division Two

The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, with directions (1) to vacate its order denying the petition for writ of mandate with respect to the June 24, 2009, order of the superior court providing that “respondent [District Attorney of Riverside County] shall make available its files, in case number CR40220, for petitioner’s counsel to review,” and (2) to issue an alternative writ directing respondent superior court to vacate that order or show cause, when the matter is ordered on calendar, why the order should not be vacated as beyond the scope of Penal Code section 1054.9.

This court’s July 30, 2009, order, staying enforcement of the two separate discovery orders entered on June 24, 2009, remains in effect as to the above-referenced discovery order only, pending further order of the Court of Appeal. The stay is dissolved in all other respects.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S142041**      **FREEMAN (FRED H.) ON  
H.C.**

Dismissed as moot

Respondent’s motion, filed on September 1, 2009, is granted. As indicated in the certified copy of a certificate of death attached as Exhibit A to the motion, Fred H. Freeman died on July 25, 2009. Accordingly, the petition in S142041 is dismissed as moot.

Chin and Corrigan, JJ., were recused and did not participate.

**S156163**      **FREEMAN (FRED HARLAN)  
ON H.C.**

Dismissed as moot

Respondent’s motion, filed on September 1, 2009, is granted. As indicated in the certified copy of a certificate of death attached as Exhibit A to the motion, Fred H. Freeman died on July 25, 2009. Accordingly, the petition in S156163 is dismissed as moot.

Chin and Corrigan, JJ., were recused and did not participate.

**S169532** H030806 Sixth Appellate District

**VONDJIDIS (ALEXANDER) v.  
HEWLETT PACKARD  
CORPORATION**

Dismissed and remanded to Court of Appeal, Sixth Appellate District

In light of the decision in *Azure Limited v. I-Flow Corp.* (2009) 46 Cal.4th 1323, review in this matter is dismissed. (Cal. Rules of Court, rule 8.528(b)(1).)

Kennard and Chin, JJ., were recused and did not participate.

Votes: George, C. J., Baxter, Werdegarr, Moreno, and Corrigan, JJ.

**S173739** D054756 Fourth Appellate District, Div. 1  
Petitions for review denied

**PEOPLE v. ROSE (MICHAEL)**

**S173788** G040196 Fourth Appellate District, Div. 3  
Petitions for review denied

**PEOPLE v. OLGUIN  
(DANIEL)**

**S173940** G040362 Fourth Appellate District, Div. 3  
Petition for review denied

**PEOPLE v. GARCIA  
(JOSEPH)**

**S173956** B198897 Second Appellate District, Div. 2  
Petitions for review denied

**PEOPLE v. JAIMEZ  
(MICHAEL HENRY)**

**S173964** E045848 Fourth Appellate District, Div. 2  
Petition for review denied

**PEOPLE v. GEROLD (SCOT  
B.)**

**S174133** H032628 Sixth Appellate District  
Petition for review denied

**PEOPLE v. SCHNEIDER  
(MICHAEL)**

**S174289** A120081 First Appellate District, Div. 4  
Petition for review denied

**PEOPLE v. WASHINGTON  
(MARCUS D.)**

**S174332** E043615 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. HUTCHINS  
(LORENZO L.)**

**S174333** B216089 Second Appellate District, Div. 8

Petition for review denied

**ROBINSON (JOHN) ON H.C.**

**S174352** C059448 Third Appellate District

Petition for review denied

**PEOPLE v. PAYSINGER  
(TACARE DESEAN)**

**S174357** G040663 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. AHUMADA, JR.,  
(FRANK)**

**S174367** D050842 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. ELISEO (RANDY)**

**S174373** E048598 Fourth Appellate District, Div. 2

Petition for review denied

**BANDA (JAVIER BOBBY) ON  
H.C.**

**S174386** A121842 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. COLEMAN  
(TOBY JAMES)**

**S174394** C057995 Third Appellate District

Petition for review & depublication request(s) denied

**PEOPLE v. JAMES  
(MICHAEL EUGENE)**

**S174395** B203233 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. GUILLORY  
(JOHN JOSEPH)**

**S174430** C057504 Third Appellate District

Petition for review denied

**PEOPLE v. HAIRSTON  
(ANTHONY JEROME)**

**S174437** C062098 Third Appellate District

Petition for review denied

**ROSENBLUM (PHILLIP) ON  
H.C.**

**S174450** C057424 Third Appellate District

Petition for review denied

**PEOPLE v. VAUGHN  
(LENNARD EDWARD)**

**S174473** B196249 Second Appellate District, Div. 4

Petition for review & depublication request(s) denied

**S. (BRANDON) v. STATE OF  
CALIFORNIA**

**S174477** A121827 First Appellate District, Div. 5

Petition for review denied

**VALENTINE CAPITAL  
ASSET MANAGEMENT, INC.  
v. AGAHI (SEAN)**

**S174486** F056784 Fifth Appellate District

The petition for writ of habeas corpus is denied without prejudice to filing a petition for writ of habeas corpus in the trial court. (See *In re Lawrence* (2008) 44 Cal.4th 1181.)

Baxter, J., was recused and did not participate.

**TREVINO (ARNOLD) ON  
H.C.**

**S174492** A113636 First Appellate District, Div. 1

Petition for review denied

**PEOPLE v. CASIQUE  
(RAFAEL DIAZ)**

**S174510** A125117 First Appellate District, Div. 2

Petition for review denied

**MASON (ANTHONY) ON H.C.**

<b>S174511</b>	B207294 Second Appellate District, Div. 3	<b>PEOPLE v. KENNEDY (JAMES)</b>
Petition for review denied		
<b>S174512</b>	E046113 Fourth Appellate District, Div. 2	<b>PEOPLE v. SEURIN (RANDAL PHILLIP)</b>
Petition for review denied		
<b>S174531</b>	B208868 Second Appellate District, Div. 5	<b>PEOPLE v. RUBIO (DAVID GONZALEZ)</b>
Petition for review denied		
<b>S174555</b>	B195505 Second Appellate District, Div. 1	<b>PEOPLE v. WELLER (GEORGE RUSSELL)</b>
Petition for review denied		
<b>S174579</b>	B217092 Second Appellate District, Div. 7	<b>MEJIA (RAFAEL) ON H.C.</b>
Petition for review denied		
<b>S174616</b>	C062188 Third Appellate District	<b>KILLINGSWORTH (MARTIN) ON H.C.</b>
Petition for review denied		
<b>S174644</b>	B207248 Second Appellate District, Div. 5	<b>VOGEL (VICTORIA) v. BENNETT (C. CASEY)</b>
Petition for review & publication request(s) denied		
<b>S174708</b>	E046632 Fourth Appellate District, Div. 2	<b>PEOPLE v. KARNES (TIMOTHY SCOTT)</b>
Petition for review denied		
<b>S174712</b>	B204123 Second Appellate District, Div. 1	<b>PEOPLE v. DORSETT (PHILLIP)</b>
Petition for review denied		

**S174781** C056328 Third Appellate District

Petition for review denied

**PEOPLE v. LAMBERT  
(BRENT JEFFERY)**

**S174913** B202504 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. MCMURRAY  
(KIM)**

**S174933** C057408 Third Appellate District

Petition for review denied

**PEOPLE v. KENT (RONALD)**

**S174944** E048527 Fourth Appellate District, Div. 2

Petition for review denied

**STRATUS SECURITY  
SERVICES, INC. v. S.C. (C.F.  
AVENTERRA L.P.)**

**S174945** C056250 Third Appellate District

Petition for review denied

**PEOPLE v. DOSTY (JEROME  
ONTARIO)**

**S174966** B196837 Second Appellate District, Div. 3

Petition for review denied

**KATZ (MATTHEW) v.  
BIRENBAUM (SAM)**

**S175007** F055794 Fifth Appellate District

Petition for review denied

Baxter, J., was recused and did not participate.

**PEOPLE v. SERNA, JR.,  
(JOSE LUIS)**

**S175020** B197592 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. SANCHEZ (JOSE  
S.)**

**S175035** B201312 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. GUKASI  
(KUCHER)**

**S175141** B199013 Second Appellate District, Div. 8

Petition for review denied

**ROBBINS (LANCE JAY) v.  
DAVI (JEFF)**

**S175233** B208715 Second Appellate District, Div. 3

Petition for review denied

**RUTTLEN (LINDA) v.  
COUNTY OF LOS ANGELES**

**S175264** C058063 Third Appellate District

Petition for review denied

**PEOPLE v. SULLIVAN  
(CHARLES GARY)**

**S175272** E046286 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. LAFFOON  
(WAYNE ALEXANDER)**

**S175310** D052723 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. HILTON  
(DARREN ALEXES)**

**S175332** C062308 Third Appellate District

Petition for review denied

**ARDE (KENJI) ON H.C.**

**S175341** B207719 Second Appellate District, Div. 2

Petition for review denied

**OWEN (LISA) v. MACYS,  
INC.**

**S175343** H033486 Sixth Appellate District

Petition for review denied

**JONES (SYLVIA) v. S.C.  
(GMAC MORTGAGE, LLC.)**



**S175350** C057845 Third Appellate District

Petition for review denied

**PEOPLE v. MONCADA  
(ANDREW XAVIER)**

**S175355** B208828 Second Appellate District, Div. 3

Petition for review denied

**ROBERTS (PATRICIA ANN)  
v. COUNTY OF LOS  
ANGELES**

**S175359** E046183 Fourth Appellate District, Div. 2

Petition for review denied

**CANTU (JOHN) v. THOMAS  
(MICHAEL L.)**

**S175361** C057945 Third Appellate District

Petition for review denied

**PEOPLE v. DANIELS  
(TORIBIO VILLA)**

**S175365** H033449 Sixth Appellate District

Petition for review denied

**M.G., IN RE**

**S175366** D052678 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. CROSS  
(TERENCE QUINTEN)**

**S175372** G040445 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. TILLOTSON  
(LINDA JEAN)**

**S175374** C058968 Third Appellate District

Petition for review denied

**PEOPLE v. DAHL (ROBERT  
EDWARD)**

**S175387** A124839 First Appellate District, Div. 1

Petition for review denied

**LINZA (PHIL) v. COPANSKY  
(PAUL)**

**S175392** C058794 Third Appellate District

Petition for review denied

**PEOPLE v. LEE (JONATHAN RALPH)**

**S175401** D051669 Fourth Appellate District, Div. 1

Petition for review denied

**HUBER (PATRICIA) v. JACKSON (RONALD W.)/(THE EPISCOPAL CHURCH)**

**S175404** G040237 Fourth Appellate District, Div. 3

Petition for review denied

**CONDE (VIRGINIA) v. CONDE (WARREN)**

**S175409** A121539 First Appellate District, Div. 4

Petition for review denied

**BENINATI (ANTHONY) v. BLACK ROCK CITY, LLC.**

**S175411** B209334 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. HERNANDEZ (PABLO)**

**S175412** G039684 Fourth Appellate District, Div. 3

Petition for review denied

**MAGANA (MARIA) v. CHARLE'S FOODS, INC.**

**S175413** B205746 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. PETERSON (JEREMY)**

**S175415** E045865 Fourth Appellate District, Div. 2

Petition for review denied

**CASTRO (MARY GEFROH & MICHAEL), MARRIAGE OF**

**S175434** E045592 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. MASON  
(MARSHA EDWARDS)**

**S175439** C059543 Third Appellate District

Petition for review denied

**PEOPLE v. SCHILBER (JEFF  
FERRIN)**

**S175455** C062028 Third Appellate District

Petition for review denied

Corrigan, J., was recused and did not participate.

**VIKING INDUSTRIES, INC. v.  
S.C. (DEIST)**

**S175468** B202367 Second Appellate District, Div. 2

Petition for review denied

**TORRANCE-NESBITT  
(LAURA) v.  
UNUMPROVIDENT  
CORPORATION**

**S175472** C059237 Third Appellate District

Petition for review denied

**L. (EDDIE), IN RE**

**S175474** C059917 Third Appellate District

Petition for review denied

**PEOPLE v. ELLINGTON  
(ROBBIE CARL)**

**S175480** B207059 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. AYABAR (JUAN  
CARLOS)**

**S175481** B205509 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. PUCKETT  
(DURRELL ANTHONY)**

**S175483** B208279 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. WILLIAMSON  
(ALVARO)**

**S175488** C058793 Third Appellate District

Petition for review denied

**PEOPLE v. WISE (LINDA  
JOYCE)**

**S175490** D054933 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. ALSAYAD  
(MOHAMAD N.)**

**S175496** F055315 Fifth Appellate District

Petition for review denied

Baxter, J., was recused and did not participate.

**J.R., IN RE**

**S175515** B210081 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. WESTERN (JOHN  
ANTHONY)**

**S175520** C057220 Third Appellate District

Petition for review denied

**PEOPLE v. FOY, JR.,  
(TIMOTHY LEON)**

**S175535** E044875 Fourth Appellate District, Div. 2

Petition for review denied

**LOMAC INFORMATION  
SYSTEMS, INC. v. NORMENT  
SECURITY GROUP, INC.**

**S175537** A123610 First Appellate District, Div. 4

Petition for review denied

**W. (GAVIN), IN RE**

**S175538** D054057 Fourth Appellate District, Div. 1

Petition for review denied

**N.G., IN RE**

**S175549** B204590 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. JAMES  
(TIMOTHY)**

**S175550** B207121 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. RILEY  
(ELMERTHA)**

**S175555** A119231 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. CORNETT  
(JOSEPH)**

**S175570** B207659 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. RUESGA  
(GUILLERMO ALEXANDRO)**

**S176126** B214620 Second Appellate District, Div. 7

Petition for review & application for stay denied

**MATULEWICZ (PAUL  
ANTHONY) v. WORKERS'  
COMPENSATION APPEALS  
BOARD**

**S124851**

**TURNER (RICHARD DEAN)  
ON H.C.**

Petition for writ of habeas corpus & application for stay denied

The motion for stay of postconviction proceedings filed on May 17, 2004, is denied.

The petition for writ of habeas corpus filed on May 17, 2004, is denied.

To the extent petitioner contends that no substantial evidence supports the jury's verdict finding him competent to stand trial, Claim XXV is denied on the ground that it is not cognizable on habeas corpus. (*In re Lindley* (1947) 29 Cal.2d 709, 723.)

Claims I (to the extent petitioner contends he is incompetent to be executed) and XLIV are denied as premature and without prejudice to petitioner's filing of a renewed petition after an execution date is set.

All other claims are denied on their merits.

The following claims are each procedurally barred, separately and independently, on the ground that they were raised and rejected on appeal (*In re Waltreus* (1965) 62 Cal.2d 218): Claims XXV (to the extent petitioner contends that no substantial evidence supports the jury's verdict finding him competent to stand trial), XXX, XXXI, XXXII, XXXIV, and XXXV, and, except to the

extent petitioner contends his counsel rendered ineffective assistance, Claims XVIII, XIX, XXI, XXIV, XXVI, XXVII, XXVIII, and XXIX.

To the extent petitioner contends that the prosecutor engaged in misconduct during questioning of a witness in the competency trial by referring to facts outside the record, Claim XX is procedurally barred, separately and independently, on the ground that it could have been, but was not, raised on appeal. (*In re Dixon* (1953) 41 Cal.2d 756, 759.)

**S168227**

**GARCIA (JASON EDWARD)  
ON H.C.**

Petition for writ of habeas corpus denied

**S169646**

**AGUAYO (GABRIEL) ON  
H.C.**

Petition for writ of habeas corpus denied

**S170617**

**MELCHOR (ROBIN  
ANTHONY) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S171705**

**CUNNINGHAM (CHARLES)  
ON H. C.**

Petition for writ of habeas corpus denied

**S171776**

**TAYLOR (TERRELL) ON  
H.C.**

Petition for writ of habeas corpus denied

**S171799**

**REMBAO (HUMBERTO) ON  
H.C.**

Petition for writ of habeas corpus denied

**S171814**

**HAMILTON (PAUL C.) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

**S171817**

Petition for writ of habeas corpus denied

**ESTRADA (DONNY  
RAYMOND) ON H.C.****S171859**

Petition for writ of habeas corpus denied

**MOSLEY, JR., (DIMITRIC R.)  
ON H.C.****S171860**

Petition for writ of habeas corpus denied

**VEJAR (GEORGE) ON H.C.****S171871**

Petition for writ of habeas corpus denied

**WASHINGTON (ROBERT W.)  
ON H.C.****S171969**

Petition for writ of habeas corpus denied

**KAFATIA (KENT WESLEY)  
ON H.C.****S171992**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Lessard* (1965) 62 Cal.2d 497, 503.)

**HENKE (FRANK LOUIS) ON  
H.C.****S171994**

Petition for writ of habeas corpus denied

**LOCKHART (LOUIS  
TIMOTHY) ON H.C.****S171995**

Petition for writ of habeas corpus denied

**REED (RICKO) ON H.C.****S172076**

Petition for writ of habeas corpus denied

**VILLERY (JARED M.) ON  
H.C.**

**S172077****PERALTA (CION) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)

**S172090****ANDERSON (CRAIG) ON  
H.C.**

Petition for writ of habeas corpus denied

**S172133****MCCORMACK (DANIEL  
JOSEPH) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218.)

George, C. J., was recused and did not participate.

**S172141****HASAN (JAWWAAD  
MANNY) ON H.C.**

Petition for writ of habeas corpus denied

**S172142****SALGUERO (FREDY) ON  
H.C.**

Petition for writ of habeas corpus denied

**S172277****SOTELO (LUIS A.) ON H.C.**

Petition for writ of habeas corpus denied

**S172281****RUPE (LEONARD RAY) ON  
H.C.**

Petition for writ of habeas corpus denied

**S172293****RAMIREZ (RICARDO GIL)  
ON H.C.**

Petition for writ of habeas corpus denied

**S172315****WIGGINS (JERRY) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)



**S172338****MATTHEWS (IVAN LEE) ON  
H.C.**

Petition for writ of habeas corpus denied

**S172366****ALEXANDER (WILLIE L.)  
ON H.C.**

Petition for writ of habeas corpus denied

**S172371****CARRILLO (HENRY) ON  
H.C.**The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218.)**S172381****BOWDEN (RUSSELL A.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S172384****HONG (YONG BAE) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)**S172405****CORRO (BRAULIO NUNEZ)  
ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756.)**S172411****GARCIA (STEVEN A.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S172416****SPEER (EDDIE) ON H.C.**

Petition for writ of habeas corpus denied

**S172418****FUNTANILLA, JR.,  
(GREGORIO) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**S172419****CARPINTERO (JOSE  
ANTONIO) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S172422****JENKINS (HARVEY ZANE)  
ON H.C.**

The petition for writ of habeas corpus is denied.  
Baxter, J., was recused and did not participate.

**S172423****MCKINNEY (BRYAN) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S172425****CORRELL (THOMAS D.) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S172427****STATEN (DWIGHT A.) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**S172476****THREAT (DALLAS) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**S172530****HERNANDEZ (JOHN JESUS)  
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**S172573****JOHNSON (GEORGE) ON  
H.C.**

Petition for writ of habeas corpus denied

**S172576****UPSHER, JR., (STEVEN  
LEGUST) ON H.C.**

Petition for writ of habeas corpus denied

**S172984****CHRISMAN (ROBERT) ON  
H.C.**

Petition for writ of habeas corpus denied

**S174928****BELL (HORACE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

**S175003****GONZALEZ (FRANCISCO)  
ON H.C.**

Petition for writ of habeas corpus denied

**S175037****JOHNSON, JR., (DAVID) ON  
H.C.**

Petition for writ of habeas corpus denied

**S175433****MENEFIELD (JAMES  
FREDRICK) ON H.C.**

Petition for writ of habeas corpus denied

**S175598****BELL (HORACE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)

**S175619****RUBI-NAVA (JUAN CARLOS)  
ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S175672****ZIMMERMAN (MICHAEL  
ROBERT) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)

**S175833****FUNTANILLA, JR.,  
(GREGORIO C.) ON H.C.**

Petition for writ of habeas corpus denied

**S174795** B203338 Second Appellate District, Div. 1**DURAN (KATHI) v.  
DISCOVER BANK**

Publication request denied (case closed)

**S148463** F047448 Fifth Appellate District**PEOPLE v. JONES (DANIEL  
LAQUINN)**

Time extended to consider modification or rehearing

The time for granting or denying rehearing in the above-entitled case is hereby extended to November 30, 2009, or the date upon which rehearing is either granted or denied, whichever occurs first.

**S174206** B203348 Second Appellate District, Div. 7**PEOPLE v. NEWCOMB  
(CHARLES AGUSTUS)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 16, 2009.

**S174452** B216676 Second Appellate District, Div. 4**KING (CLINTON D.) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to October 16, 2009.

**S174491** A125197 First Appellate District, Div. 4**NGUON (HUNG DUONG) ON  
H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to October 22, 2009.

**S174551** A116842 First Appellate District, Div. 2**PEOPLE v. CASTANEDA  
(RAUL EDUARDO REYES)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 19, 2009.

**S174728**      A122045 First Appellate District, Div. 5      **PEOPLE v. EDWARDS  
(SHANE CHRISTOPHER)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 16, 2009.

**S174736**      A123874 First Appellate District, Div. 2      **BARRAGAN-MENDOZA  
(MARTIN) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to October 16, 2009.

**S174743**      B205869 Second Appellate District, Div. 8      **PEOPLE v. SAMPSON  
(THOMAS CLARENCE)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 20, 2009.

**S174749**      A120368 First Appellate District, Div. 4      **PEOPLE v. IVEY (ALEX)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 16, 2009.

**S174752**      C056282 Third Appellate District      **PEOPLE v. HALLER (JAMES  
DANIEL)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 16, 2009.

**S174753**      F055410 Fifth Appellate District      **PEOPLE v. ALLEN (LESLIE  
RAYMOND)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 19, 2009.

**S174772**      D054121 Fourth Appellate District, Div. 1      **ALEXANDER (JAMES) ON  
H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to October 19, 2009.

**S174786** H034369 Sixth Appellate District

**RANDEL (BRIAN KEITH) ON  
H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to October 20, 2009.

**S174793** A119735 First Appellate District, Div. 2

**PEOPLE v.  
DUMAS-VIOLETTE  
(CYNTHIA)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 19, 2009.

**S174798** G042219 Fourth Appellate District, Div. 3

**SESMA (ALFRED) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to October 16, 2009.

**S174806** C057578 Third Appellate District

**CALIFORNIA OAK  
FOUNDATION v. COUNTY  
OF TEHAMA/(DEL WEBB  
CALIFORNIA CORPORATION)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 20, 2009.

**S174807** B214970 Second Appellate District, Div. 8

**CHAVEZ (SANTOS) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to October 20, 2009.

**S174808** B206169 Second Appellate District, Div. 8

**PEOPLE v. GOMEZ  
(CHRISTIAN ALEXANDER)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 20, 2009.

**S174810** C055469 Third Appellate District

**PEOPLE v. UGALINO (DEL  
JAY)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 20, 2009.

**S174811**      B204199 Second Appellate District, Div. 5      **PEOPLE v. NEWELS (BRIAN KEITH)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 20, 2009.

**S174852**      B205061 Second Appellate District, Div. 5      **PEOPLE v. SHETTY (SATISH)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 21, 2009.

**S174856**      E045289 Fourth Appellate District, Div. 2      **PEOPLE v. VALDEZ (JUAN J.)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 21, 2009.

**S174857**      F057824 Fifth Appellate District      **SILVA (ADAN) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to October 21, 2009.

**S174883**      A125384 First Appellate District, Div. 5      **WHITE (JOSEPH) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to October 19, 2009.

**S174887**      H032508 Sixth Appellate District      **PEOPLE v. MELGOZA (DAVID RAMIREZ)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 22, 2009.

**S174892**      H034374 Sixth Appellate District      **BROWN (JEROME) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to October 21, 2009.

**S174910**      B209964 Second Appellate District, Div. 6      **FLIR SYSTEMS, INC. v. PARRISH (WILLIAM)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 22, 2009.

**S174926**      B217175 Second Appellate District, Div. 6      **DELABRA-REBOLLAR  
(VIRGINIO) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to October 21, 2009.

**S174991**      F054623 Fifth Appellate District      **PEOPLE v. SALDANA (HUGO  
ENRIQUE)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 22, 2009.

**S175012**      E048625 Fourth Appellate District, Div. 2      **KOON (ALLEN WILLIAM)  
ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to October 22, 2009.

**S025520**      **PEOPLE v. WALDON (BILLY  
RAY)**

Extension of time granted

Good cause appearing, and based upon State Public Defender Michael J. Hersek's representation that he anticipates filing the appellant's opening brief by September 2010, counsel's request for an extension of time in which to file that brief is granted to November 13, 2009. After that date, only five further extensions totaling about 300 additional days are contemplated.

**S045696**      **PEOPLE v. GARCIA (RANDY  
EUGENE)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Peter R. Silten's representation that he anticipates filing the appellant's reply brief by November 18, 2009, counsel's request for an extension of time in which to file that brief is granted to November 19, 2009. After that date, no further extension is contemplated.

**S059912**      **PEOPLE v. MONTES  
(JOSEPH MANUEL)**

Extension of time granted

Good cause appearing, and based upon counsel Sharon Fleming's representation that she anticipates filing the appellant's reply brief by June 22, 2010, counsel's request for an extension of time in which to file that brief is granted to October 13, 2009. After that date, only four further extensions totaling about 230 additional days are contemplated.



**S065575****CHAMPION (STEVE ALLEN)  
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Karen Kelly's representation that she anticipates filing the petitioner's exceptions and brief on the merits by November 9, 2009, counsel's request for an extension of time in which to file that document is granted to November 9, 2009. After that date, no further extension is contemplated.

**S067353****PEOPLE v. GONZALES  
(IVAN JOE)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Craig Buckser's representation that he anticipates filing the appellant's reply brief by October 14, 2009, counsel's request for an extension of time in which to file that brief is granted to October 14, 2009. After that date, no further extension is contemplated.

**S075616****PEOPLE v. GONZALES  
(JOHN ANTHONY) & SOLIZ  
(MICHAEL)**

Extension of time granted

Good cause appearing, and based upon Assistant State Public Defender Jessica K. McGuire's representation that she anticipates filing appellant Michael Soliz's supplemental reply brief by November 16, 2009, counsel's request for an extension of time in which to file that brief is granted to November 16, 2009. After that date, no further extension is contemplated.

**S080477****PEOPLE v. BANKS (KELVYN  
RONDELL)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Allison H. Chung's representation that she anticipates filing the respondent's brief by April 21, 2010, counsel's request for an extension of time in which to file that brief is granted to November 10, 2009. After that date, only three further extensions totaling about 160 additional days are contemplated.

**S085578****PEOPLE v. MCDOWELL, JR.,  
(CHARLES EDWARD)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Jonathan J. Kline's representation that he anticipates filing the respondent's brief by November 14, 2009, counsel's request for an extension of time in which to file that brief is granted to November 16, 2009. After

that date, no further extension is contemplated.

**S086269**

**PEOPLE v. JACKSON  
(JONATHAN KEITH)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Adrienne S. Denault's representation that she anticipates filing the respondent's brief by November 20, 2009, counsel's request for an extension of time in which to file that brief is granted to November 20, 2009. After that date, no further extension is contemplated.

**S089609**

**PEOPLE v. DELGADO  
(ANTHONY GILBERT)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to November 10, 2009

**S092615**

**PEOPLE v. DEEN (OMAR  
RICHARD)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to November 16, 2009.

**S097558**

**PEOPLE v. GARTON (TODD  
JESSE)**

Extension of time granted

Appellant's request for relief from default is granted.

Good cause appearing, and based upon counsel Jeffrey J. Gale's representation that he anticipates filing the appellant's opening brief by fall 2010, counsel's request for an extension of time in which to file that brief is granted to October 23, 2009. After that date, only six further extensions totaling about 360 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S107900**

**PEOPLE v. WRIGHT, JR.,  
(WILLIAM LEE)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to November 13, 2009.

**S109197****PEOPLE v. VAN PELT  
(JAMES GLENN)**

Extension of time granted

Good cause appearing, and based upon counsel Ronald S. Smith's representation that he anticipates filing the appellant's opening brief by September 1, 2010, counsel's request for an extension of time in which to file that brief is granted to November 16, 2009. After that date, only five further extensions totaling about 290 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S162212****ERVINE (DENNIS NEWTON)  
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Jean R. Sternberg's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by January 15, 2010, counsel's request for an extension of time in which to file that brief is granted to November 13, 2009. After that date, only one further extension totaling about 60 additional days is contemplated.

**S170759****GAUL (PAUL E.) ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to October 16, 2009.

**S172589**

G040679 Fourth Appellate District, Div. 3

**LOPEZ (DANIEL) v. S.C.  
(PEOPLE)**

Extension of time granted

On application of Petitioner and good cause appearing, it is ordered that the time to serve and file the Opening Brief on the Merits is extended to October 16, 2009.

**S175447**

A121047 First Appellate District, Div. 3

**OROPEZA (MARIO) v. LAW  
OFFICES OF SANFORD M.  
CIPINKO**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply to answer to the petition for review is extended to September 21, 2009.

**S040703****PEOPLE v. ROBINSON, JR.,  
(JAMES)**

Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed counsel for permission to withdraw as attorney of record for condemned inmate James Robinson, Jr., filed September 8, 2009, is granted. The order appointing Jeffrey S. Ross as habeas corpus/executive clemency counsel of record for condemned inmate James Robinson, Jr., filed October 25, 2004, is hereby vacated.

Michael G. Millman, as Executive Director of the California Appellate Project in San Francisco, is hereby appointed to serve as interim habeas corpus/executive clemency counsel of record for condemned inmate James Robinson, Jr.

**S173973** D052091 Fourth Appellate District, Div. 1**PEOPLE v. MENA (JOAQUIN)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, John P. Dwyer is hereby appointed to represent appellant on the appeal now pending in this court.

Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

**S062562****PEOPLE v. TAYLOR  
(BRANDON ARNAE)**

Record ordered unsealed

On the court's own motion, the clerk is directed to unseal and make part of the public record the following sealed materials:

1. Volume 5a, page 614 (Reporter's Transcript of In Camera Hearing of February 22, 1996);
2. Volume 6a, pages 632 through 640 (Reporter's Transcript of Marsden Motion of February 23, 1996);
3. Volume 15a, pages 1586 through 1587 (Reporter's Transcript of Marsden Hearing of April 15, 1996);
4. Volume 16a, pages 1589 through 1596 (Reporter's Transcript of Marsden Hearing of April 16, 1996).

**S163136****LAWLEY (DENNIS HAROLD)  
ON H.C.**

Record ordered unsealed

Petitioner's Motion to Unseal Transcript, filed on August 28, 2009, is granted. The clerk is directed to unseal pages 635 through 647 of the Reporter's Transcript of the evidentiary hearing (conducted in camera on March 25, 2004) in *In re Dennis Harold Lawley*, S089463, and to make them part of the public record in that case, and is further directed to transmit a copy thereof to petitioner and to respondent.

**S156598**

B201396 Second Appellate District, Div. 3

**BROWN, WINFIELD &  
CANZONERI, INC. v. S.C.  
(GREAT AMERICAN  
INSURANCE COMPANY)**

Order filed

The request of counsel for real party in interest in the above-referenced cause to allow two counsel to argue on behalf of real party at oral argument is hereby granted.

The request of real party to allocate to amicus curiae California Academy of Appellate Lawyers 15 minutes of real party's 30-minute allotted time for oral argument is granted.

**S174834****STEIN ON DISCIPLINE**

Recommended discipline imposed

The court orders that DAVID NATHAN STEIN, State Bar Number 202448, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, subject to the following conditions:

1. DAVID NATHAN STEIN is suspended from the practice of law for a minimum of 90 days, and he will remain suspended until the following requirements are satisfied:
  - i. The State Bar Court grants a motion to terminate his suspension pursuant to rule 205 of the Rules of Procedure of the State Bar. DAVID NATHAN STEIN must comply with the conditions of probation, if any, imposed by the State Bar Court as a condition for terminating his suspension; and
  - ii. If he remains suspended for two years or more as a result of not satisfying the preceding conditions, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)

DAVID NATHAN STEIN must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

DAVID NATHAN STEIN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S174835****LEON ON DISCIPLINE**

Recommended discipline imposed

The court orders that JORGE EDUARDO PORTUGAL LEON, State Bar Number 117055, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

JORGE EDUARDO PORTUGAL LEON must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S174837****ALBRECHT ON DISCIPLINE**

Recommended discipline imposed

The court orders that PATTY NOROIAN ALBRECHT, State Bar Number 135403, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. PATTY NOROIAN ALBRECHT is suspended from the practice of law for the first 30 days of probation;
2. PATTY NOROIAN ALBRECHT must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 25, 2009; and
3. At the expiration of the period of probation, if PATTY NOROIAN ALBRECHT has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

PATTY NOROIAN ALBRECHT must take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with her membership fees for the years 2010, 2011, and 2012. If PATTY NOROIAN ALBRECHT fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**S174838****HOLLISTER ON DISCIPLINE**

Recommended discipline imposed

The court orders that JAMES DAVID HOLLISTER, State Bar Number 44244, is suspended from the practice of law in California for five years, execution of that period of suspension is stayed, and he is placed on probation for four years subject to the following conditions:

1. JAMES DAVID HOLLISTER is suspended from the practice of law for a minimum of the first three years of probation, and he will remain suspended until the following requirement is satisfied:
  - i. JAMES DAVID HOLLISTER must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. JAMES DAVID HOLLISTER must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 10, 2009; and
3. At the expiration of the period of probation, if JAMES DAVID HOLLISTER has complied with all conditions of probation, the five-year period of stayed suspension will be satisfied and that suspension will be terminated.

JAMES DAVID HOLLISTER must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of his suspension, whichever is longer and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

JAMES DAVID HOLLISTER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S174844****KERLAN ON DISCIPLINE**

Recommended discipline imposed

The court orders that JASON MICHAEL KERLAN, State Bar Number 183897, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. JASON MICHAEL KERLAN is suspended from the practice of law for the first 30 days of probation;
2. JASON MICHAEL KERLAN must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on February 7, 2008; and
3. At the expiration of the period of probation, if JASON MICHAEL KERLAN has complied

with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

JASON MICHAEL KERLAN must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S174846****LAUGHLIN ON DISCIPLINE**

Recommended discipline imposed

The court orders that GREGG STEVEN LAUGHLIN, State Bar Number 193567, is suspended from the practice of law in California for four years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. GREGG STEVEN LAUGHLIN is suspended from the practice of law for a minimum of the first two years of probation (with credit given for the period of interim suspension which commenced on November 8, 2007), and he will remain suspended until the following requirements are satisfied:
  - i. He makes restitution to Valente Martinez or Mariano Mendez in the amount of \$5,500 plus 10 percent interest per annum from December 26, 2006 (or reimburses the Client Security Fund to the extent of any payment from the fund to Valente Martinez or Mariano Mendez, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles;
  - ii. He makes restitution to Juan Hernandez in the amount of \$3,500 plus 10 percent interest per annum from May 23, 2006 (or reimburses the Client Security Fund to the extent of any payment from the fund to Juan Hernandez, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles;
  - iii. GREGG STEVEN LAUGHLIN must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. GREGG STEVEN LAUGHLIN must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 4, 2009; and
3. At the expiration of the period of probation, if GREGG STEVEN LAUGHLIN has complied with all conditions of probation, the four-year period of stayed suspension will be satisfied and that suspension will be terminated.

GREGG STEVEN LAUGHLIN must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may



result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

GREGG STEVEN LAUGHLIN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for the years 2010, 2011, and 2012. If GREGG STEVEN LAUGHLIN fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**S176219****KEREKES ON  
RESIGNATION**

Resignation declined

Having considered the request, the court declines to accept the voluntary resignation of MICHAEL STEPHEN KEREKES, State Bar Number 130267, as a member of the State Bar of California. (Cal. Rules of Court, rule 9.21(d).)

**S176262****HYATT ON RESIGNATION**

Resignation declined

Having considered the request, the court declines to accept the voluntary resignation of THOMAS LAURANCE HYATT, State Bar Number 152719, as a member of the State Bar of California. (Cal. Rules of Court, rule 9.21(d).)

